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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EDWARD BLASCO, Individually and on Behalf of All Others Similarly Situated.

Case No.: 3:15-cv-02766-VC

## Plaintiffs.

V.

KEURIG GREEN MOUNTAIN, INC.,  
BRIAN P. KELLEY, and FRANCES G.  
RATHKE.

**STIPULATION AND [PROPOSED]  
ORDER VOLUNTARILY DISMISSING  
THE ACTION PURSUANT TO FED. R.  
CIV. P. 41(a)(1)(A)(ii)**

## Defendants

1 Lead Plaintiffs Jessica Lee, Alan Schlussel, and Lawrence E. Wilder (“Plaintiffs”) and  
2 Defendants Keurig Green Mountain, Inc. (“Keurig”), Brian P. Kelley, and Frances G. Rathke  
3 (collectively “Defendants”) by and through their respective counsel of record, hereby stipulate as  
4 follows:

5 WHEREAS, on March 23, 2016, Plaintiffs filed the Second Consolidated Amended Class  
6 Action Complaint (Dkt. No. 103);

8 WHEREAS, after careful considerations the parties to this Stipulation have conferred and  
9 believe that this action should be dismissed with prejudice;

10 WHEREAS, Plaintiffs and Defendants agree that all parties will bear their own fees and  
11 costs incurred in connection with this litigation;

12 WHEREAS, a class has not yet been certified in this action, making the requirements of  
13 Rule 23(e) inapplicable to this dismissal; and

15 WHEREAS, no payment has been made to Plaintiffs or their attorneys for this dismissal.

16 NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED THAT, Plaintiffs  
17 and Defendants, by and through their undersigned counsel, hereby agree and stipulate to the  
18 following:

19 (1) Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the above-captioned action is  
20 voluntarily dismissed with prejudice;  
21 (2) Plaintiffs and Defendants will bear their own fees and costs; and  
22 (3) Defendant Keurig’s Motion for Sanctions (Dkt. No. 119) is withdrawn.

24 SO STIPULATED AND AGREED TO BY:

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28 STIPULATION AND [PROPOSED] ORDER VOLUNTARILY DISMISSING THE ACTION  
PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)

Case No. 3:15-cv-02766-VC

1 Dated: July 8, 2016

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*Co-Lead Counsel for Plaintiffs and the  
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Dated: July 8, 2016

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STIPULATION AND [PROPOSED] ORDER VOLUNTARILY DISMISSING THE ACTION  
PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)

Case No. 3:15-cv-02766-VC

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Attorneys for Defendant Keurig Green  
Mountain, Inc.

Dated: July 8, 2016

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and Frances G. Rathke

STIPULATION AND [PROPOSED] ORDER VOLUNTARILY DISMISSING THE ACTION  
PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)

Case No. 3:15-cv-02766-VC

## **CIVIL L.R. 5-1 ATTESTATION**

I, Joshua L. Crowell, am the ECF User whose ID and Password are being used to file this  
STIPULATION AND [PROPOSED] ORDER VOLUNTARILY DISMISSING THE ACTION  
PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii). In compliance with Civil L.R. 5-1(i)(3), I  
hereby attest that Anne Johnson Palmer, and Robert S. McWhorter, counsel for Defendants, have  
concurred to its filing.

*s/ Joshua L. Crowell*

Joshua L. Crowell

STIPULATION AND [PROPOSED] ORDER VOLUNTARILY DISMISSING THE ACTION  
PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)

Case No. 3:15-cv-02766-VC

## [PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: \_\_\_\_\_, 2016

THE HONORABLE VINCE CHHABRIA  
UNITED STATES DISTRICT JUDGE

STIPULATION AND [PROPOSED] ORDER VOLUNTARILY DISMISSING THE ACTION  
PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)

Case No. 3:15-cv-02766-VC

1 **PROOF OF SERVICE VIA ELECTRONIC POSTING PURSUANT TO NORTHERN**  
2 **DISTRICT OF CALIFORNIA LOCAL RULES AND LOCAL CIVIL RULE 5-1**

3 I, the undersigned, say:

4 I am a citizen of the United States and am over the age of 18 and not a party to the within  
5 action. My business address is 1925 Century Park East, Suite 2100, Los Angeles, California 90067.

6 On July 8, 2016, I served the following document:

7 **STIPULATION AND [PROPOSED] ORDER VOLUNTARILY DISMISSING THE**  
8 **ACTION PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)**

9 By posting the document to the ECF Website of the United States District Court for the  
10 Northern District of California, for receipt electronically by the parties as listed on the attached  
Court's ECF Service List.

11 And on any non-ECF registered parties:

12 By U.S. Mail: By placing true and correct copies thereof in individual sealed envelope: with  
13 postage thereon fully prepaid, which I deposited with my employer for collection and mailing by the  
14 United States Postal Service. I am readily familiar with my employer's practice for the collection and  
15 processing of correspondence or mailing with the United States Postal Service. In the ordinary course  
16 of business, this correspondence would be deposited by my employer with the United States Postal  
Service that same day.

17 I certify under penalty of perjury under the laws of the United States of America that the  
foregoing is true and correct. Executed on July 8, 2016, at Los Angeles, California.

20 *s/ Joshua L. Crowell*

21 Joshua L. Crowell

# Mailing Information for a Case 3:15-cv-02766-VC Blasco v. Keurig Green Mountain, Inc. et al

## Electronic Mail Notice List

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## Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)